S.B. Criminal Revision Petition NO.79/2007
(Narayan Lal Vs. State & Ors.)

Date of order : 11.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Chaitanya Gahlot, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.
Mr. Sandeep Mehta, for the non-petitioner.

Heard learned counsel for the parties.

By way of filing the present revision petition, the petitioner has challenged the order impugned dated 21.12.2006 passed by Judicial Magistrate, Deogarh, District Rajsamand whereby cognizance has been taken against the petitioner for offence under Sections 420, 406 and 120-B I.P.C.

According to the provisions of Code of Criminal Procedure, the opportunity is available to the petitioner to raise all grounds before the trial court for his discharge under Section 239 Cr.P.C. and the Magistrate is under an obligation to provide an opportunity of hearing to the petitioner and consider the arguments and objections advanced/raised by the accused at that time. Thus, at this stage, it is not proper to interfere with the order impugned, taking cognizance against the petitioner.

In this view of the matter, the revision

petition is dismissed with the observation that the learned trial court may consider all the material on record as well as the arguments and objections advanced/raised by both the parties at the stage of Section 239 Cr.P.C. in accordance with the law.

(GOPAL KRISHAN VYAS), J .

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